

REMARKS

Status of the Claims

Claims 1-14 are pending in the present application. In the Office Action, claims 1, 7-9, and 11-14 were rejected under 35 U.S.C. 102(e) as being anticipated by Sumner (U.S. Patent No. 6,091,947). Claims 2-3, 5-6, and 10 were rejected under 35 U.S.C. 103(a) as being obvious over Sumner in view of Boltz, et al (U.S. Patent No. 6,044,275).

Summary of the Claimed Subject Matter

Independent claim 1 sets forth a method for delivering user information over a communication system. The method may include receiving user identified storable information comprising voice signals over a signaling channel and transmitting the received information to a destination over an available traffic channel. User identified storable information is information carried by a user signal that has been identified by the user as information that, once received by the system over a signaling channel, is to be transmitted (not in real time) by the system over an available traffic channel to its destination at a user (or system) specified time. See Patent Application, page 5, ll. 22-26. For example, an end user 1 may operate a cell phone 202 such that information to be transmitted is labeled as user identified storable information. The end-user 1 may then operate a cell phone 2002 to send a voice message including the user identified storable information from the cellular phone 202 to base station 206 over a signaling channel of an air interface 204 that includes both signaling channels and traffic channels. The base station 206 may store and later transmit the user identified storable information to cellular telephone 210 over a traffic channel. See Patent Application, page 7, line 5 - page 8, line 2 and Figure 2.

Independent claim 9 sets forth a method for transmitting user identified storable information with a communication device over a communication system. The method may include formatting user identified storable information comprising voice signals in accordance with a protocol being followed by the communication system and transmitting the user identified storable information comprising voice signals over at least one signaling channel of the communication system. For example, the cellular telephone 202 may be configured such that it formats and labels the user identified storable information. The end-user 1 may then operate the cell phone 2002 to send a voice message including the formatted user identified storable information from the cellular phone 202 to base station 206 over a signaling channel of an air interface 204. See Patent Application, page 7, line 5 - page 8, line 2 and Figure 2.

Independent claim 12 sets forth a method for receiving user identified storable information with a communication device over a communication system. The method may include receiving an alert signal over a signaling channel of the communication system, transmitting a response signal over a signaling channel of the communication system, and receiving user identified storable information comprising voice signals over a traffic channel of the communication system. For example, the base station 206 may transmit an alert signal over a signaling channel of air interface 208 to the cellular phone 210, which may send a response signal over a signaling channel of air interface 208 to base station 206. The base station 206 may then transmit user identified storable information to cellular telephone 210 over a traffic channel. See Patent Application, page 9, ll. 1-22 and Figure 1.

Argument

The Examiner's rejections are respectfully traversed.

Sumner describes a technique for determining (at step 406) transmission and reception rates associated with a handset and the base unit. If the transmission and/or reception rates cannot accommodate a normal voice connection, then the call is routed to a voicemail deposit process (step 408). See Sumner, col. 7, ll. 6-63 and Figure 4. The stored voicemail message may later be delivered to the handset (at 508). See Sumner, col. 8, ll. 14-54 and Figure 5. However, Sumner is completely silent with regard to user identified storable information. To the contrary, Sumner teaches that the communication system decides whether or not a call should be routed to a voicemail deposit process (step 408) based on the transmission and/or reception rates.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Sumner and request that the Examiner's rejections of claims 1, 7-9, and 11-14 under 35 U.S.C. 102(e) be withdrawn.

Moreover, it is respectfully submitted that the pending claims are not obvious in view of Sumner and Boltz, either alone or in combination. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. As discussed above, Sumner is completely silent with regard to user identified storable information. Boltz describes techniques for time-defined delivery of messages. However, Boltz is also completely silent with regard to user identified storable information.

Furthermore, the cited references provide no suggestion or motivation to modify the prior art to arrive at Applicants claimed invention. To the contrary, Sumner teaches away from receiving, storing, or transmitting user identified storable information. In particular, Sumner teaches that the communication system decides whether or not a call should be routed to a voicemail deposit process (step 408) based on the transmission and/or reception rates. It is by

now well established that teaching away by the prior art constitutes *prima facie* evidence that the claimed invention is not obvious.

For at least the aforementioned reasons, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case that the present invention is obvious over the prior art of record and requests that the Examiner's rejections of claims 2-3, 5-6, and 10 under 35 U.S.C. 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date:

7/28/05



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